

## **REMARKS**

In response to the Notice of Non-Compliant Amendment under 37 CFR 1.121 mailed March 23, 2004, the examiner noted that "dredged material" had been removed from claim 29. This term is properly added back in the present response. Applicant has kept the term "reclaiming dredged material," which now is properly in the elected group. Consideration and allowance respectfully are requested.

The following remarks are repeated from the previously un-entered response mailed on September 22, 2003.

Out of originally pending Claims 21-44, claims 21-28 and 33-44 are withdrawn from consideration. Claims 29-32 are rejected on various grounds. In response to the restriction requirement and to the Office Action, claims 21-28 and 30-44 are cancelled and claim 29 amended. The term "ISO container, rail car or other box having " added to claim 29 is supported, for example on page 31, lines 13-14 18. New claims 45 to 75 incorporate the limitations of claim 29 and recite added features found in the cancelled claims and the specification. New claim 76 recites features of an "Ex-Situ in an Enclosed Container" embodiment described in the specification at the bottom of page 31 and as recited in claim 29. No new matter has been added. Reconsideration and allowance respectfully are requested.

### **1. Rejections under 35 USC § 112**

On page 2 of the office action claim 32 has been rejected on alleged indefiniteness grounds because "[i]t is not clear what 'thickness' is represented by the unit 'wgt' in line 2 of claim 32. Also the term 'regular' (claim 32, line 3) is vague....."

A skilled artisan in the field of geology sometimes uses the colloquial term "wgt" instead to denote gms per square meter of textile as a measure of "thickness." Thus, this term has

meaning in this context. Applicant offers to convert this term to recite "gram per square meter," Applicant notes that a heavier weight textile is a thicker material, and the numeric values are of 20 and 120 have this understood meaning. New claim 45 includes the term "wgt." The new pending claims now lack the term "regular." Reconsideration and allowance are requested.

## **II. Rejections under 35 USC § 103 (a)**

Claims 29-31 are rejected on alleged obviousness grounds on page 3 of the office action. However, a prima facie case of obviousness does not exist because the recited elements "liner," "plastic barrier," and "pipes" for dewatering are missing from all cited references. Thus, independent claims 29 and 76, which recite this language, are non-obvious. The Examiner has admitted that all cited reference(s) lack these recited features (page 3, middle). The recitation of an "ISO container, rail car or other box having a liner" has been added to all pending claims to emphasize the recited structural differences from the cited art.

Because a prima facie obviousness determination has not been made, removal of this rejection courteously is solicited.

Applicant thanks the Examiner for suggesting that claim 32 would be allowed if re-written in independent form. The suggested claim is new claim 45.

Reconsideration and allowance are requested.

Respectfully submitted,



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